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TO AMEMBASSY TOKYO IMMEDIATE

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E.O. 11652: GDS

TAGS: SHUM

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

1. THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR JAPAN HAS BEEN COMPLETED, CLEARED WITHIN THE DEPARTMENT AND APPROVED BY THE BUREAU OF HUMANITARIAN AFFAIRS (HA). PART A AND THE INTRODUCTION WILL BE SUBMITTED TO CONGRESS AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD), WHILE PART B WILL REMAIN CLASSIFIED. THE TEXT OF BOTH PARTS A AND B APPEAR BELOW. CURRENT PLANS ARE FOR PART B TO BE REVIEWED BY THE INTERAGENCY COMMITTEE ON HUMAN RIGHTS (THE CHRISTOPHER COMMITTEE) AT A LATER DATE. PART A WAS SUPPOSED TO BE TYPED IN THE SPECIAL FORMAT FOR THE CPD AND SUBMITTED TO THE DEPUTY SECRETARY BY DECEMBER 15 IN ORDER TO MEET A TIGHT SCHEDULE FOR FINAL SEVENTH FLOOR REVIEW AND PRINTING BUT A NUMBER OF REPORTS ARE RUNNING LATE.

2. THE TEXT OF PART A IS BEING TRANSMITTED FOR YOUR INFORMATION AND NOT FOR CLEARANCE OR ALTERATION GIVEN THE CON-
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STRAINTS UNDER WHICH WE ARE OPERATING. IF POSTS FIND MAJOR FACTUAL ERRORS OR BELIEVE SEVERE DAMAGE WILL RESULT TO US INTERESTS FROM SPECIFIC STATEMENTS, WE SHOULD BE INFORMED IMMEDIATE TELEGRAM WITH EA ONLY CAPTIONS. INSTRUCTIONS WILL BE GIVEN LATER CONCERNING ADVANCE NOTIFICATION OF HOST GOVERNMENTS. WHILE ANY COMMENTS ON PART B NEED NOT BE TRANSMITTED AS URGENTLY AS PART A, YOU SHOULD BE AWARE

THAT CHANGES WILL BE EXTREMELY DIFFICULT TO EFFECT AT THIS ADVANCED STAGE FOLLOWING "FINAL" CLEARANCES. TEXT FOLLOWS:

3. (TEXT OF CEP)

A. CONDITION OF HUMAN RIGHTS IN JAPAN

INTRODUCTION: JAPAN IS A PARLIAMENTARY DEMOCRACY IN WHICH DEMOCRATIC INSTITUTIONS ARE FIRMLY ROOTED. HUMAN RIGHTS ARE GUARANTEED IN THEORY BY THE JAPANESE CONSTITUTION AND SECURED IN FACT BY A JUST AND EFFICIENT LEGAL SYSTEM.

1. INTEGRITY OF THE PERSON: THE JAPANESE GOVERNMENT AND LEGAL SYSTEM EFFECTIVELY PROTECT THE INTEGRITY OF THE PERSON. TORTURE AND CRUEL, INHUMAN, OR DEGRADING PUNISHMENT ARE NOT KNOWN TO EXIST, NOR ARE ARBITRARY DETENTION OR INVASION OF THE HOME WITHOUT A LEGAL WARRANT. PERSONS ACCUSED OF CRIMES ARE GUARANTEED THE RIGHT TO A PUBLIC TRIAL WITH DEFENSE COUNSEL AND THE RIGHT TO CROSS-EXAMINATION. THEY ARE ALSO PROTECTED FROM INCRIMINATING THEMSELVES AND FROM THE APPLICATION OF EX-POST FACTO LAWS.

2. CIVIL AND POLITICAL LIBERTIES: JAPAN'S CONSTITUTION
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GUARANTEES, AND THE JAPANESE PEOPLE IN FACT ENJOY, FREEDOM OF THOUGHT, RELIGION, AND ASSEMBLY. CITIZENS HAVE THE RIGHT TO CHANGE THEIR PLACE OF RESIDENCE, TO TRAVEL ABROAD, AND TO EMIGRATE. SUFFRAGE IS THE RIGHT OF ALL ADULT CITIZENS, AND VOTE IS BY SECRET BALLOT. POLITICAL INTEREST GROUPS CAN ORGANIZE AND ENGAGE IN NON-VIOLENT POLITICAL ACTIVITY REGARDLESS OF THEIR POLITICAL HUE. FIVE OPPOSITION PARTIES ARE ACTIVE, RANGING FROM A COMMUNIST PARTY TO A MODERATE CONSERVATIVE PARTY. THE PRESS IS FREE AND HIGHLY ARTICULATE. LABOR UNIONS ARE WELL ORGANIZED AND PLAY AN ESSENTIAL ROLE IN BRINGING WORKERS INTO THE POLITICAL PROCESS. ELECTIONS ARE COMPLETELY HONEST AND OPEN, AND THEY ACCURATELY REFLECT THE PUBLIC WILL.

SOME SOCIAL DISCRIMINATION DOES EXIST AGAINST THE BURAKUMIN AND THE AINU MINORITIES, WHICH HAVE JAPANESE CITIZENSHIP, AND THE KOREAN MINORITY, WHICH DOES NOT. THESE GROUPS TOGETHER CONSTITUTES LESS THAN 2 PERCENT OF THE POPULATION. THIS DISCRIMINATION, HOWEVER IS NOT INSTITUTIONALIZED AND DOES NOT RESTRICT MINORITY ACCESS TO THE BASIC POLITICAL AND ECONOMIC RIGHTS ASSURED TO THE

POPULATION AS A WHOLE.

3. TRENDS IN GOVERNMENTAL POLICIES RELATED TO FULFILL-
MENT OF BASIC NEEDS: BASIC HUMAN NEEDS IN JAPAN ARE
PROVIDED FOR PRIMARILY BY THE SOCIAL INFRASTRUCTURE THAT
HAS GROWN APACE WITH JAPAN'S ECONOMY. FOOD, SHELTER,
HEALTH CARE, AND EDUCATION ARE AVAILABLE WIDELY IN GOOD
QUALITY, WITH THE GOVERNMENT GENERALLY ACTING AS THE
PROVIDER OF LAST RESORT TO THE NEEDY. WELFARE STANDARDS
ARE MAINTAINED MORE BY THE EFFORTS OF THE PRIVATE SECTOR
THAN BY EXPLICIT GOVERNMENT POLICY FOR THE JAPANESE
EMPLOYER TRADITIONALLY ASSUMES A PATERNAL RESPONSIBILITY
FOR THE WELFARE OF HIS EMPLOYEES AND THEIR FAMILIES.
DISTRIBUTION OF WEALTH IN JAPAN IS AMONG THE MOST EQUIT-
ABLE IN THE NON-COMMUNIST WORLD,
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JAPANESE AT ALL INCOME LEVELS HAVE SHARED IN THE PROSPER-
ITY OF THE LAST DECADE. THERE EXISTS NO CORRUPTION SO
WIDESPREAD AS TO SIGNIFICANTLY DIVERT RESOURCES AWAY
FROM THE MAJORITY OF THE PEOPLE.

4. GOVERNMENT'S RESPONSIBILITY FOR HUMAN RIGHTS RECORD:
JAPAN HAS COMPILED ITS EXCELLENT HUMAN RIGHTS RECORD
LARGELY WITHOUT EXPRESS GOVERNMENT GUIDANCE. BASIC RIGHTS
GUARANTEED IN THE CONSTITUTION ARE ROUTINELY SECURED BY
A JUST LEGAL SYSTEM WITHOUT INTERVENTION BY THE GOVERN-
MENT. BOTH THE JAPANESE GOVERNMENT AND JAPANESE SOCIETY
AS A WHOLE ARE IN ACCORD AS TO WHAT CONSTITUTES ACCEPT-
ABLE OBSERVANCE OF HUMAN RIGHTS, AND HUMAN RIGHTS ARE
NOT A POLITICAL ISSUE. LARGELY FOR THIS REASON THE
JAPANESE GOVERNMENT HAS NEVER FORMULATED AN EXPLICIT
HUMAN RIGHTS POLICY, AND DISCUSSIONS OF PUBLIC POLICY
RARELY DIRECTLY ADDRESS THE HUMAN RIGHTS ASPECTS OF ISSUES.
NATIONAL SECURITY IS FORMULATED WITHOUT CONSIDERING HUMAN
RIGHTS AND IS IMPLEMENTED WITHOUT VIOLATING THEM.

5. FREEDOM HOUSE LISTS JAPAN AS "FREE". NO REQUESTS
ARE KNOWN TO HAVE BEEN MADE BY OUTSIDE ORGANIZATIONS TO
INVESTIGATE HUMAN RIGHTS IN JAPAN.

B. ANALYSIS AND RECOMMENDATIONS (LIMITED OFFICIAL USE)

1. OBJECTIVES

GIVEN THE OVERALL EXCELLENCE OF JAPAN'S HUMAN
RIGHTS RECORD, WE DO NOT SEE A NEED TO DEVELOP A MAJOR
HUMAN RIGHTS POLICY TOWARD JAPAN. THE JAPANESE GOVERN-
MENT AND PEOPLE SHARE OUR RESPECT FOR HUMAN RIGHTS AND
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WOULD BE RIGHTLY OFFENDED BY ANY US ACTION THAT IMPLIES CRITICISM OF JAPAN'S HUMAN RIGHTS RECORD.

2. REACTION TO US HUMAN RIGHTS POLICY

JAPAN'S REACTION TO RECENT US HUMAN RIGHTS POLICIES HAS BEEN CAUTIOUS AND AMBIVALENT. WHILE APPROVING IN PRINCIPLE INTERNATIONAL EFFORTS IN BEHALF OF HUMAN RIGHTS, THE JAPANESE PEOPLE ARE UNIFORMLY RELUCTANT TO SEE JAPAN ADOPT AN ASSERTIVE HUMAN RIGHTS POLICY ABROAD. THE REASONS FOR THIS ARE SEVERAL:

-- JAPAN CHARACTERISTICALLY PREFERS A LOW-KEY DIPLOMATIC STYLE. EVEN THOUGH JAPAN IS COMING GRADUALLY TO PLAY A MORE ACTIVE ROLE IN WORLD AFFAIRS, WE CANNOT NOW EXPECT JAPAN TO TAKE A LEADING ROLE IN CONTENTIOUS HUMAN RIGHTS ISSUES.

-- JAPAN RECOGNIZES THAT OTHER COUNTRIES FACE POLITICAL, ECONOMIC, SOCIAL, AND SECURITY CONDITIONS THAT ARE DISTINCTLY DIFFERENT FROM THOSE OF JAPAN. THE JAPANESE FEEL IT WOULD BE GRATUITOUS AND UNPRODUCTIVE FOR THEM TO CRITICIZE OTHER COUNTRIES FOR THEIR HANDLING OF SITUATIONS THAT ARE UNFAMILIAR TO THE JAPANESE THEMSELVES.

3. IMPLICATIONS FOR CHANGES IN HUMAN RIGHTS CONDITIONS

JAPAN'S REACTIONS TO U.S. HUMAN RIGHTS POLICIES ARE RELATED ALMOST ENTIRELY TO HUMAN RIGHTS APPROACHES TO OTHER COUNTRIES. AS SUCH THE JAPANESE RESPONSE CARRIES NO IMPLICATIONS FOR CHANGES IN JAPAN'S OWN HUMAN RIGHTS CONDITIONS.

4. IMPACT OF US ACTIONS

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US ACTIONS, PROPERLY EXECUTED, SHOULD NOT AFFECT OTHER US INTERESTS IN JAPAN.

5. POSSIBLE US ENCOURAGEMENT TO JAPAN HUMAN RIGHTS EFFORT

ONE ACTION THE US COULD TAKE IS TO SEEK JAPANESE

SUPPORT FOR INCLUSION IN PUBLIC STATEMENTS OF LANGUAGE AFFIRMING JAPAN'S COMMITMENT TO BASIC PRINCIPLES SUCH AS THOSE CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. IN PURSUING THIS APPROACH WE SHOULD BEAR IN MIND THAT JAPAN WILL BE RELUCTANT TO COOPERATE WITH ANY PROGRAM WHICH WOULD SINGLE OUT OR APPLY SANCTIONS TO PARTICULAR GOVERNMENTS AS HUMAN RIGHTS VIOLATORS.

ONE PARTICULAR HUMAN RIGHTS PROBLEM THAT JAPAN COULD BE OF IMMENSE HELP IN SOLVING IS THE PLIGHT OF INDO-

CHINESE REFUGEES. JAPAN IS ALREADY AN IMPORTANT CONTRIBUTOR TO UN PROGRAMS PROVIDING RELIEF TO REFUGEES, BUT COULD CONTRIBUTE EVEN MORE. AND WHILE IT IS CLEAR THAT REFUGEES COULD NOT BE SUCCESSFULLY RESETTLED IN JAPAN BECAUSE OF CULTURAL IMPEDIMENTS, WE DO FEEL THAT JAPAN COULD BE MORE LIBERAL IN GRANTING TEMPORARY ASYLUM TO REFUGEES TAKEN ABOARD OCEANGOING SHIPS AND IN PROVIDING FOR THE BASIC HUMAN NEEDS OF REFUGEES WHILE THEY ARE IN JAPAN. OVERTURES TO THE JAPANESE ON THIS MATTER SHOULD BE DISCREET AND LOW KEY.

OUR MOST USEFUL APPROACH, IN VIEW OF JAPAN'S ECONOMIC STRENGTH, WOULD BE TO ENCOURAGE JAPAN TO FURTHER CONTRIBUTE TO THE IMPROVEMENT OF ECONOMIC CONDITIONS IN DEVELOPING COUNTRIES. JAPAN HAS ALREADY DEMONSTRATED

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GENUINE CONCERN FOR THE NEEDS OF THE DEVELOPING WORLD: IT RECENTLY PLEDGED \$1 BILLION IN FINANCING FOR ASEAN INDUSTRIAL PROJECTS AND HAS ANNOUNCED ITS INTENTION TO DOUBLE ITS AID TO DEVELOPING COUNTRIES IN THE NEXT FIVE YEARS. WE SHOULD BY QUIET DIPLOMACY ENCOURAGE JAPAN TO MAKE EVEN GREATER COMMITMENTS TO THE DEVELOPING WORLD, AND WE SHOULD PLACE THIS MATTER FIRST IN PRIORITY IN OUR HUMAN RIGHTS APPROACH TO JAPAN. VANCE

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